

	<h1 style="text-align: center; color: blue;">City of Helena</h1> <h2 style="text-align: center; color: blue;">Personnel Policy</h2>	Policy number	1-4
		Original Adoption	10-01-2015
		Revision #	
		Last revision date	
Section Title	Equal Employment Opportunity		
Subject	Harassment Prevention		

The City of Helena and its managers and supervisors will prohibit harassment or bullying of any kind. It is necessary to halt and eliminate all forms of harassment in order to provide and maintain a productive work environment. Harassment that is based on protected characteristics (sex, age, race, color, religion, creed, national origin, physical or mental handicap, marital status, political beliefs, veteran's status, genetic information or sexual orientation or gender identity or expression) may be a form of unlawful discrimination. Other types of harassment or bullying (general harassment) decrease employee morale, productivity, and effectiveness.

Definition of Harassment

Harassment is the conduct of one employee toward another that has the purpose or effect of:

1) unreasonably interfering with the employee's work performance, and/or 2) creating a hostile, or offensive work environment. Harassment does not include the legitimate job-related efforts of supervisory personnel to direct, coach, evaluate, and/or discipline an employee or to have the employee improve his or her performance.

Unlawful Discriminatory Harassment

Harassment that is based on the following characteristics is "unlawful discriminatory" harassment: sex, age, race, color, religion, creed, national origin, physical or mental handicap, marital status, political beliefs, veteran's status, genetic information or sexual orientation or gender identity or expression.

General Harassment

Harassment that is not based on "unlawful" characteristics listed above. This includes bullying. Examples may include, but are not limited to:

- Physically intimidating behavior/and or threats of violence.
- Use of profanity (swearing), vulgarity.
- Ridiculing, taunting, belittling, or humiliating another person.
- Inappropriate assignments of work or benefits.
- Derogatory name-calling.

Evaluating Complaints of Harassment

Allegations will be reviewed based on the totality of circumstances, including, but not limited to, the nature of the alleged harassing conduct and the context in which it occurred. All facts will be reviewed on a case-by-case basis.

In evaluating alleged "general harassment," the acts will be reviewed from the perspective of the complainant, using a "reasonable person" standard. In evaluating alleged "unlawful discriminatory harassment," the acts will be reviewed from the perspective of a reasonable person of the group that is the object of the alleged harassment. These standards recognize the unique experiences of different groups in our society.

All applicable provisions of collective bargaining agreements apply.

Complaints Relating to Harassment

If an employee feels he or she has been, or is being harassed, there are several ways to make his or her concerns known.

- An employee who feels comfortable doing so should respectfully inform the person(s) engaging in perceived harassment that such conduct is offensive, against City policy, and must stop.
- When an employee does not feel comfortable in communicating directly with the person(s) whose actions are offensive, or when such direct communication has not been effective, the employee should immediately inform his or her supervisor or Human Resources of the conduct.
- If the employee's supervisor is the person engaging in the offensive conduct, or if the employee does not feel comfortable for whatever reason in contacting his or her supervisor, the employee should immediately contact the next level supervisor in the chain of command up to the department head or the Human Resources Director.
- Employees may make complaints in which the employee is requesting that action be taken by management, stating the facts surrounding the incident(s).
- Any supervisor who receives a report of a violation of this policy shall immediately notify his or her immediate supervisor and the Human Resources Director.
- Upon receipt of a complaint alleging harassment, the City will take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The Human Resources Director and/or the City Manager shall determine the steps to be taken by balancing the rights of the alleged victim and the rights of the alleged harasser, considering the severity of the alleged conduct.
- The City will investigate the harassment complaint and a review the findings with the department head if appropriate and the City Manager. The City shall inform the complainant, any other employees directly involved, and the immediate supervisors of the employees involved of the results of the investigation and of the City's decision.
- The results of any investigation will remain confidential and be disseminated only to persons having a right to know that outweighs the privacy rights of the persons involved.
- Employees also may file a complaint of unlawful discriminatory harassment with the Human Rights Bureau of the Montana Department of Labor and Industry if appropriate.

Reprisal

Managers, supervisors, and employees are prohibited from retaliating against anyone for opposing harassment, making a complaint of harassment, or cooperating in an investigation or any other proceeding concerning a complaint of harassment. An employee who believes he or she has been subjected to retaliatory action should immediately report the action to the Human Resources Director.

Penalty for Engaging in Harassment or Reprisal

Violation of this policy may be grounds for immediate discipline up to and including discharge. The specific penalty to be imposed shall be determined on a case-by-case basis, after a careful review of all of the relevant facts, and in accordance with any applicable collective bargaining agreements.

Addressing and Reporting Harassment

Supervisors observing or having knowledge of incidents or practices within their work unit that constitutes harassment shall take immediate action to stop the practice and prevent future incidents.

If you are not personally a recipient of harassment, but observe actions against other employees, which you believe to be harassment, you are encouraged to bring it to the attention of the Human Resources Director.

Contact the Human Resource Office for assistance in filing a complaint.